

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 04-cv-11277

Chester J. Chalupowski, Jr. et al.

v.

Janis M. Berry,

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**CLERK'S CERTIFICATE**

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 1/28/05.

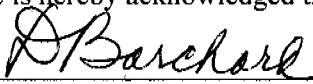
In testimony whereof, I hereunto set my hand and affix the seal of this Court on February 8, 2005.

Tony Anastas, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 2/8/05.

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11277-GAO**

Chalupowski et al v. Berry  
Assigned to: Judge George A. O'Toole, Jr  
Cause: JS 44 Sec. IV - no matching citation  
currently in database

Date Filed: 06/08/2004  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other  
Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Chester J. Chalupowski, Jr.** represented by **Chester J. Chalupowski, Jr.**

*Individually and as Trustee  
and Beneficiary of The  
Chalupowski Family Trust  
and 26-30 Andrew Street  
Realty Trust*

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**Plaintiff**

**Malgorzta B. Nabialczyk**

V.

**Defendant**

**Janis M. Berry**  
*Individually and in Her  
Official Capacity as  
Associate Justice of the  
Appeals Court of  
Massachusetts*

represented by **Juliana deHaan Rice**  
Attorney General's Office  
Room 2019  
One Ashburton Place  
Boston, MA 02108-1698  
617-727-2200 ext.2062  
Fax: 617-727-5785  
Email:  
Juliana.Rice@ago.state.ma.us

*LEAD ATTORNEY  
ATTORNEY TO BE  
NOTICED*

Date Filed	#	Docket Text
06/08/2004	<u>1</u>	COMPLAINT Filing fee: \$ 150, receipt number 56486, filed by Chester J. Chalupowski Jr., Malgorzta B. Nabialczyk.(Barrette, Mark) (Entered: 06/14/2004)
06/08/2004		• If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Barrette, Mark) (Entered: 06/14/2004)
06/08/2004		• Summons Issued as to Janis M. Berry. (Barrette, Mark) (Entered: 06/14/2004)
08/05/2004	<u>2</u>	NOTICE of Appearance by Juliana deHaan Rice on behalf of Janis M. Berry (Barrette, Mark) (Entered: 08/16/2004)
08/05/2004	<u>3</u>	MOTION to Dismiss by Janis M. Berry.(Barrette, Mark) (Entered: 08/16/2004)
09/09/2004	<u>4</u>	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>3</u> Motion to Dismiss. No timely opposition to the motion having been received, after review of the motion and grounds presented, the motion to dismiss is granted substantially for the reasons argued by the defendant in the motion (Docket No. 3). The action is dismissed with prejudice. (O'Toole, George) (Entered: 09/09/2004)
09/10/2004	<u>5</u>	Judge George A. O'Toole Jr.: ORDER entered JUDGMENT in favor of Defendant against Plaintiff (Lyness, Paul) (Entered: 09/10/2004)
09/10/2004		• Civil Case Terminated. (Lyness, Paul) (Entered: 09/10/2004)

		09/10/2004)
10/29/2004	<u>6</u>	MOTION for Entry of Default Judgment due to defendant's failure to provide an answer to the complaint by Chester J. Chalupowski Jr., Malgorzta B. Nabialczyk.c/s(Edge, Eugenia) (Entered: 11/03/2004)
11/22/2004	•	Judge George A. O'Toole Jr.: Electronic ORDER entered finding as moot <u>6</u> Motion for Entry of Default, as an Order and Judgment was entered on 9/10/04 finding in favor of defendant against plaintiff (Lyness, Paul) (Entered: 11/22/2004)
01/07/2005	<u>7</u>	MOTION to Remove Default Judgment Issued by this Court on September 10, 2004 pursuant to Rule 60 (b) (6) of Federal Rules of Civil Procedure by Chester J. Chalupowski, Jr, Malgorzta B. Nabialczyk.(Lyness, Paul) (Entered: 01/11/2005)
01/12/2005	<u>8</u>	Opposition re <u>7</u> MOTION to Remove Default Judgment Issued by this Court on september 10, 2004 pursuant to Rule 60 (b)(6) of Federal Rules of Civil Procedure filed by Janis M. Berry.c/s (Edge, Eugenia) (Entered: 01/13/2005)
01/19/2005	•	Judge George A. O'Toole Jr.: ElectronicORDER entered denying <u>7</u> Motion to Remove Default Judgment issued by this Court on September 10, 2004 pursuant to rule 60 (b)(6) of FRCP (Lyness, Paul) (Entered: 01/19/2005)
01/20/2005	<u>9</u>	REPLY to Response to Motion re <u>7</u> MOTION to Remove Default Judgment Issued by this Court on september 10, 2004 pursuant to Rule 60 (b)(6) of Federal Rules of Civil Procedure filed by Chester J. Chalupowski, Jr, Malgorzta B. Nabialczyk. c/s (Edge, Eugenia) (Entered: 01/27/2005)
01/28/2005	<u>10</u>	NOTICE OF APPEAL as to Order on Motion for Miscellaneous Relief by Chester J. Chalupowski, Jr, Malgorzta B. Nabialczyk. \$ 0 (filing fee not paid).

		<p>NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 2/17/2005. (Edge, Eugenia) (Entered: 02/01/2005)</p>
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